

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**EDWARD SATERSTAD and
MARY SATERSTAD**

Plaintiffs,

v.

DERRY TOWNSHIP,

Defendant.

: Civil No. 1:20-CV-00765

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: Judge Sylvia H. Rambo

ORDER

In accordance with the accompanying memorandum, **IT IS HEREBY ORDERED** that:

(1) Defendant Derry Township's motion to dismiss for failure to state a claim is **GRANTED** only with respect to the following claims, which are **DISMISSED WITHOUT PREJUDICE**:

- a. Counts I, III, and IV (Section 1983)
- b. Count II (common law malicious prosecution) as asserted by Plaintiff Mary Saterstad;
- c. Count V (civil conspiracy);
- d. Count VI (punitive damages) as alleged by Mrs. Saterstad and to the extent it seeks to recover punitive damages under Section 1983;
- e. Count VI (intentional infliction of emotional distress);

- (2) Defendant's motion is **DENIED** with respect to Count II (malicious prosecution) as asserted by Plaintiff Edward Saterstad and Count VI (punitive damages) as asserted by Mr. Saterstad;
- (3) The Saterstads may file an amended complaint within 21 days from the date of this order if they reasonably believe they can cure the deficiencies outlined by the court.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: January 20, 2021